

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT NORTH DAKOTA
SOUTHWESTERN DIVISION

Robert Lamar McInnis, III,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:08-cv-055
)	
Dr. John Hagan,)	
)	
Defendant.)	
_____)	
Robert Lamar McInnis III,)	ORDER RE CONSOLIDATION, ADDITIONAL TIME FOR RESPONSE, AND CANCELLING PRETRIAL CONFERENCE AND TRIAL DATES
)	
Plaintiff,)	
)	
vs.)	Case No. 1:08-cv-061
)	
Tim Schuetzle, LeAnn Bertsch, and)	
Kathy Bachmeier,)	
)	
Defendants.)	

Defendants' motions for summary judgment in the above cases have been referred to the undersigned by Chief Judge Hovland for initial consideration and preparation of a report and recommendation. Upon review of the files, the court makes the following orders:

1. It is **ORDERED** on the court's own motion that the above two cases be consolidated for all purposes given the similarity in the subject matter and common questions of fact and that future filings need only be made in Case No. 1:08-cv-055.
2. It is **ORDERED** that McInnis shall have an additional opportunity to respond to the motions for summary judgment in the above two cases. If he wishes to make a further response, he must do so on or August 7, 2009, (unless additional time is granted pursuant to filed written request), and the defendants shall have fifteen days following any response to make a reply if they choose to

do so.

This additional opportunity to respond is being given on account of the fact that McInnis is proceeding *pro se* and he may have been under the impression that he did not need to make any further response given his request to present evidence at the pretrial conference, which request is denied.

McInnis is further instructed that, if he wishes to present his own account of what happened in the past in terms of facts, he should do so by preparing a written affidavit that is sworn to under oath. He can do this by either swearing to the affidavit before a notary and having the affidavit notarized or he can make a written declaration under penalty of perjury pursuant to 28 U.S.C. § 1746, which allows him to simply sign a written statement if it has the following language above his signature: "I declare under penalty of perjury that the foregoing is true and correct." Similarly, if he wishes to present statements from other persons, he should do so in the same manner.

McInnis states he has certain documents that he wants to present to the court. If so, McInnis should file those documents as part of his response along with any affidavits or legal arguments.

Finally, given that the court has consolidated the cases, McInnis need only file one copy of any further responses he wishes to make to the summary judgment motions. Any such responses are to be filed in Case No. 1:08-cv-055.

3. It is **ORDERED** that the presently scheduled dates for the pretrial conference and trial are **CANCELLED** and that they will be rescheduled, if necessary, after the pending motions for summary judgment are resolved.

Dated this 2nd day of July, 2008.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge